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6 UNITED STATES DISTRICT COURT FOR THE  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 KEITH ADAIR DAVIS,

10 Plaintiff,

11 v.

12 WILLIAM HAYES, et al.,

13 Defendants.

CASE NO. C16-1709 RSM

ORDER STRIKING OBJECTIONS AS  
UNTIMELY

14 This matter comes before the Court on Plaintiff Keith Adair Davis' Objections to the  
15 Second Report and Recommendation. Dkt. #31. On March 24, 2017, a Second Report and  
16 Recommendation ("R&R") was issued in this matter, allowing Plaintiff to file Objections no later  
17 than Tuesday, April 11, 2017. Dkt. #26 at 14. The R&R stated "The Clerk should note the matter  
18 for Thursday, April 13, 2017, as ready for the District Judge's consideration if no objection is  
19 filed." *Id.* No objections were received by the Court. On April 14, 2017, the Court issued its  
20 Order adopting the R&R. Dkt. #30.

21 On April 27, 2017, the Court received Objections from Plaintiff via mail. Dkt. #31. The  
22 envelope containing the Objections indicates a postmark of April 25, 2017, however Plaintiff dated  
23 his Objections April 10, 2017. *Id.* Plaintiff's Objections do not discuss timeliness. *Id.*

1 The Court finds that Plaintiff's Objections are untimely. The deadline to file Objections  
2 was Tuesday, April 11, 2017. Although Plaintiff dates his Objections the day before this deadline,  
3 the record appears to indicate that Plaintiff's Objections were mailed two weeks after this deadline.  
4 The Court has no basis to grant Plaintiff relief from the deadline or to take Plaintiff's date of  
5 signing as fact over the evidence of late filing above. Accordingly, the Court will strike these  
6 Objections. The Court notes that it has reviewed the Objections and, even if it had considered  
7 them, nothing contained therein would cause the Court to deviate from its prior Order adopting the  
8 Second R&R.

9 Accordingly, the Court finds that Plaintiff Davis' Objections to the Second Report and  
10 Recommendation (Dkt. #31) are STRICKEN as untimely.

11 Dated this 2<sup>nd</sup> day of May 2017.

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14 RICARDO S. MARTINEZ  
15 CHIEF UNITED STATES DISTRICT JUDGE  
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